

08-25-04  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/828,985	04/21/2004	Christopher D. Armour	RS0210Y

R. Douglas Bradley  
Merck & Co., Inc.  
P.O. Box 2000  
Patent Department RY60-30  
Rahway, NJ 07065-0907

**CONFIRMATION NO. 7621****FORMALITIES LETTER**

\*OC000000013036435\*

Date Mailed: 06/23/2004

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

08/26/2004 BABRAHA1 00000037 502287 10828985

01 FC:1051 130.00 DA

**FILED UNDER 37 CFR 1.53(b)*****Filing Date Granted*****Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to:   Mail Stop Missing Parts  
  Commissioner for Patents  
  P.O. Box 1450  
  Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

B-H  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Armour, Christopher D. et al.	
Serial No.:	US 10/828,985	Art Unit: 1632
Case No.:	RS0210Y	
Filed:	April 21, 2004	
For:	Novel Isoforms of Centromere Protein E (CENPE)	Examiner: To Be Assigned

Mail Stop Missing Parts

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

Seattle, Washington 98109

23 August 2004

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application, mailed June 23, 2004, enclosed herewith are:

- 1) An oath in compliance with 37 CFR 1.63 and Fee Transmittal Sheet;
- 2) A substitute Computer Readable Form of the Replacement Sequence Listing;
- 3) A paper copy of the Replacement Sequence Listing that is an identical copy of the Replacement Sequence Listing on the Computer Readable Form;
- 4) An Amendment directing entry of the Replacement Sequence Listing into the specification; and
- 5) A copy of the Notice to File Missing Parts of Nonprovisional Application that was mailed to Applicants on June 23, 2004.

The substitute Computer Readable Form is a Diskette with the Sequence Listing described as follows:

Diskette:

Machine Format: IBM-PC/XP  
Operating System: MS-Windows XP Professional  
File Name: RS0210Y.TXT  
File Format: ASCII  
Size: 100,616 bytes  
Creation Date: 13 August 2004.

I hereby state that the sequence listing information recorded in computer readable form is identical to the paper copy of the sequence listing submitted herewith and does not include new matter.

Please charge deposit account number 502287 for any fees due in connection with this Response to Notice to Comply. If any time extensions are needed for the timely filing of the present response, applicants petition for such extensions and authorize the charging of deposit account number 502287 for the appropriate fees.

**EXPRESS MAIL CERTIFICATE**

Date of Deposit: August 23, 2004  
Express Mail No.: ER 212732309 US

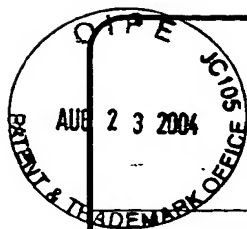
I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail "Post Office to Addressee" on the above date in an envelope addressed to Commissioner for Patents, Alexandria, VA 22313-1450.

Mailed by: Eileen [Signature]  
Date: August 23, 2004

Respectfully,

R. Douglas Bradley

By: R. Douglas Bradley  
Attorney for Applicant(s)  
Reg. No. 44,553  
Rosetta Inpharmatics LLC  
401 Terry Avenue North  
Seattle, Washington 98109  
206-802-6301



# FEE TRANSMITTAL

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

\$130

## Complete if Known

Application Number	10/828,985
Filing Date	April 21, 2004
First Named Inventor	Christopher D. Armour
Examiner Name	
Art Unit	1632
Attorney Docket Number	RS0210Y

## METHOD OF PAYMENT (Check all that apply)

☐ Check ☐ Credit Card ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number

502287

Deposit Account Name

The Director is authorized to:

☒ Charge fee(s) indicated below ☐ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	770	Utility filing fee	
1002	340	Design filing fee	
1004	770	Reissue filing fee	
1005	160	Provisional filing fee	

SUBTOTAL(1)

\$0

### 2. EXTRA CLAIM FEES

	Extra	Fee from below	Fee Paid
Total Claims	20 **	0	0
Independent Claims	3 **	0	0
Multiple Dependent Claims		\$290 =	

\*\*or number previously paid, if greater; For Reissues, see below

Large Fee Code	Entity Fee (\$)	Fee Description
1202	18	Claims in excess of 20
1201	86	Independent claims in excess of 3
1203	290	Multiple dependent claim, if not paid
1204	86	**Reissue independent claims over original patent
1205	18	**Reissue claims in excess of 20 and over original patent

SUBTOTAL(2)

\$0

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Fee Code	Large Entity Fee (\$)	Fee Description	Fee Paid
1051	130	Surcharge - late filing fee or oath	130
1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1251	110	Extension for reply within first month	
1252	420	Extension for reply within second month	
1253	950	Extension for reply within third month	
1254	1,480	Extension for reply within fourth month	
1255	2,010	Extension for reply within fifth month	
1401	330	Notice of Appeal	
1402	330	Filing a brief in support of an appeal	
1403	290	Request for oral hearing	
1452	110	Petition to revive - unavoidable	
1453	1,330	Petition to revive - unintentional	
1501	1,330	Utility issue fee (or reissue)	
1502	480	Design issue fee	
1460	130	Petitions to the Commissioner	
1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	Submission of Information Disclosure Statement	
8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	Request for Continued Examination (RCE)	
Other fee (specify)			
Other fee (specify)			
SUBTOTAL(3)			\$130

## SUBMITTED BY

## Complete (if applicable)

Typed or Printed Name

R. Douglas Bradley

Reg. Number

44,553

Signature

*R. Douglas Bradley*

Date

08/23/2004

Deposit Account User ID

IN DUPLICATE